

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

-----X	Docket Number:
ARISTOBULO OVIEDO	:
	:
Plaintiff,	:
	:
against	:
	:
	14-CIV-4203 (JB) (MT)
	:
	CIVIL ACTION
	AMENDED COMPLAINT
NEW YORK CITY TAXI AND	:
LIMOUSINE COMMISSION, and	:
THE CITY OF NEW YORK	:
	:
	PLAINTIFF DEMANDS
Defendants.	:
	TRIAL BY JURY
-----X	-----

TAKE NOTICE, the Plaintiff, ARISTOBULO OVIEDO, hereby appears in this action by his attorney, **OSITA EMMANUEL OKOCHA** of the LAW OFFICES OF OSITA OKOCHA, P.C., and demands that all papers be served upon him in this matter at the address below. Plaintiff, ARISTOBULO OVIEDO, by his attorney, OSITA OKOCHA, ESQ., complaining of the defendants, NEW YORK CITY and TAXI LIMOUSINE COMMISSION, and THE NEW YORK CITY, upon information and belief alleges as follows:

NATURE OF THE ACTION

1. This is an action under Title 42 U.S.C. § 1983 et. seq., and violation of Section 8 Article 1 of the New York State Constitution and under common law and public policy of the State of New York.

JURISDICTION

2. This Court has subject matter jurisdiction over Plaintiff's

claim pursuant to 28 U.S.C. Section 1331. This Court has supplemental jurisdiction over state law claims discussed below under 28 U.S.C. § 1367(a) because they arise out of the same case or controversy and/or are so related to the claims.

3. Venue is proper in this district pursuant to 28 U.S.C. § 1391(b), because all of the events or omissions giving rise to Plaintiffs' claims occurred.

PARTIES

4. Plaintiff, ARISTOBULO OVIEDO ("Plaintiff") is a citizen and a resident of the State of New York. Plaintiff is a male Hispanic origin of Spain.

5. The Defendant, TAXI and LIMOUSINE COMMISSION is a City of New York Agency.

6. The Defendant, The City of New York is a municipality in the State of New York.

FACTS

7. Plaintiff, a Hispanic American of Spanish/Spain origin. They knowingly and falsely accused the Plaintiff of refusing to transport a passenger to certain destination but the GPS records showed that the Plaintiff was not there and his car system was not even engaged at the time of the purported incident. That upon that, somebody from the TAXI and LIMOUSINE COMMISSION called the Plaintiff a Nigga.

COUNT I: VIOLATION OF TITLE VII, 42 U.S.C. § 1983 - DUE PROCESS

8. Plaintiff repeats and realleges each and every allegation here-in-above contained.

9. By implementing, promulgating, and continuing to enforce and/or effectuate a policy, practice and custom pursuant to which taxi drivers may have their licenses summarily suspended and revoked based on a unproven allegations/false accusations in the absence of evidence and without due process of law, Defendants have deprived and will continue to deprive Plaintiff of his rights, remedies, privileges and immunities guaranteed to every citizen of the United States, in violation of 42 U.S.C. § 1983, and of rights guaranteed by the Fourth, Fifth, and Fourteenth Amendments of the United States Constitution.

10. The Defendants have acted under pretense and color of state law and in their individual and official capacities and within the scope of his employment. Said acts by said Defendants were beyond the scope of their jurisdiction, without authority of law, and in abuse of its powers, and said Defendants acted willfully, knowingly, and with the specific intent to deprive Plaintiff of its constitutional rights secured by 42 U.S.C. § 1983, and by the Fourth, Fifth, and Fourteenth amendments to the United States Constitution. Defendants have conspired among and within the Agency to do so (taking numerous overt steps in furtherance

thereof), and failed to prevent one another from doing so.

11. The Defendants' actions were deliberate, reckless and indifferent to Plaintiff's constitutional rights.

12. The Defendants, violated Plaintiff's rights under the First and Fourteenth Amendments to the United States Constitution and 42 U.S.C. Section 1983, as well as under federal common law.

13. The Defendants conduct have been intentional, deliberate, willful, malicious, reckless, and conducted in callous disregard of the rights of Plaintiff.

COUNT II: DEFENDANTS' VIOLATED Section 8 of Article 1 of the New York State Constitution.

14. Plaintiff repeats and realleges each and every allegation here-in-above contained.

15. The Defendants' actions violate Plaintiff's rights under Section 8 of Article 1 of the New York State Constitution and under the common law and public policy of the State of New York.

16. The Defendants had notice and knowledge of unlawful conduct by Defendants and, through their failure to remedy and prevent such violations of law, have demonstrated deliberate indifference to the risk that such activity would result in constitutional violations. Defendant, implicitly or explicitly, with intent and knowledge of the foreseeable consequences, condoned, authorized, or ratified the conduct of their agents, promoted or permitted such conduct was tolerated, condoned or

encouraged, and systematically violated their own purported policies prohibiting it and it is the custom, usage and unwritten policy of the Defendants, acting under color of state law, violated the federally protected rights of Plaintiff in violation of 42 U.S.C. § 1983.

WHEREFORE, PREMISES CONSIDERED, Plaintiff, ARISTOBULO OVIEDO, respectfully prays that defendants, NEW YORK CITY and TAXI AND LIMOUSINE COMMISSION and The City of New York be cited to appear and answer herein, and that upon a final hearing of the cause, judgment be entered for Plaintiff against Defendants as claimed herein, and for such other and further relief to which the Plaintiff may be entitled at law or in equity.

Dated: January 14, 2015
Queens, New York

Respectfully Submitted

/s/ Osita E. Okocha

By: OSITA EMMANUEL OKOCHA
Attorney at Law
LAW OFFICES OF OSITA OKOCHA, P.C.
88-14 Sutphin Blvd, 2nd Floor
Jamaica, New York 11435
Tel. No.: (718) 297-1450
Fax No.: (718) 297-1460
E-mail.: LAWOSSY@aol.com

VERIFICATION

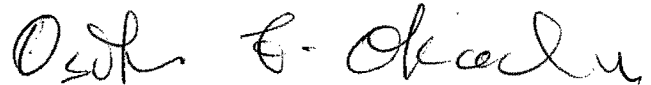
OSITA EMMANUEL OKOCHA, affirms under the penalty of perjury:

That I am an attorney admitted to practice law in the State of New York and the attorney of record for the plaintiff with office located at 88-14 Sutphin Blvd, 2nd Floor, Jamaica, New York 11435, Borough and County of Queens, City and State of New York, and that I am acquainted with the facts and circumstances of the within action.

That your affirmant has read the foregoing COMPLAINT and knows the content thereof; that the Verified Complaint set forth therein stated to be alleged on information and belief and as to those matters I believe them to be true, said knowledge and belief are based upon my interviews with my CLIENT-PLAINTIFF and the case file.

That this verification is made by me and not by Plaintiff because he resides outside the borough where my office is located.

DATED: New York, New York
January 14, 2015

A handwritten signature in black ink, appearing to read "Osita E. Okocha", written over a horizontal line.

OSITA E. OKOCHA, ESQ.